

COMMITTEE ON PLANNING & DEVELOPMENT
(Standing Committee of Berkeley County Council)

Chairman: Mrs. Judith K. Spooner, District No. 2

The COMMITTEE ON PLANNING & DEVELOPMENT met on Monday, October 21, 2002, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:08 p. m.

PRESENT: Mrs. Judith K. Spooner, Councilmember District No. 2, Chairman; Mr. Milton Farley, Councilmember District No. 1; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. James H. Rozier, Jr., Supervisor, Jr., ex officio; Ms. Nicole Scott Ewing, Staff Attorney; and Ms. Barbara B. Austin, Clerk to County Council.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers, the media, and all interested citizens.

Chairman Spooner called the meeting to order, gave the invocation and led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Spooner asked the Committee's pleasure on the Approval of Minutes for September 9, 2002; September 16, 2002; and September 23, 2002.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to approve the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Spooner stated the first item on the agenda was Consideration prior to First Reading of an Ordinance to amend Article 2, Section 2.3.104 of Ordinance No. 01-08-35, the Berkeley County Zoning and Development Standards Ordinance, to amend and clarify the definition of a street.

Ms. Madelyn Robinson stated they had been advised by the County's Legal Department to look at the Zoning Ordinance's definition of street and they are working on something that clarifies the current definition that is in the ordinance. They would like to also add two other approved uses for the General Commercial Zoning District.

It was moved by Councilmember Vaughn and seconded by Councilmember Farley to send the Ordinance to Council for First Reading.

Councilmember Mims asked did they have a draft definition for street? Ms. Robinson stated they have a working draft and they want make sure of a clarification before presenting it to Council.

Supervisor Rozier advised that an item is normally brought to First Reading while the item is being prepared, and is discussed at Second Reading after preparation. He continued that the County's definition of a street is not very clear in the ordinance. Before Second Reading Staff would provide a suggested definition for Council to discuss.

Upon call for the vote, the motion passed by unanimous voice vote of the Committee.

Item B, Review prior to Second Reading of Bill No. 02-54, an Ordinance to amend Section ii of Ordinance No. 99-7-41 regarding permits, fees, inspections, and licenses; to amend Section iv of Ordinance No. 99-7-41 regarding the maximum penalty for violations of the building code.

Ms. Bonnie Watson of the Permitting Department addressed the subsection of Ordinance No. 99-7-41 and highlighted the changes as follows:

Section II – PERMITS/FEES/INSPECTION/LICENSES; B) Added the update of Evaluation Tables; C) Proposing the Administrative fee go from \$20 to \$25; D) In addition to raising the cost of the Manufacturing housing permit from \$20 to \$25, they are requiring that the person who performs the installation pull the permit; E) A charge of \$25 for moving permits for Manufactured homes; F) A charge of \$20 for any inspection services not previously addressed under the schedule of fees; G) Change from \$20 per re-inspection to a charge of \$25 for the first re-inspection, \$50 for a second re-inspection, \$100 for a third re-inspection, \$25 thereafter.

Councilmember Pinckney asked what was the current charge for re-inspection? Ms. Watson stated it is \$20 regardless to how many times and the change entails a step plan. Councilmember Steve Davis asked what brought about the step plan?

Supervisor Rozier stated they assumed that by the third re-inspection they should get it right. The inspectors had been running back and forth and very little had been done, and \$20 didn't seem to change their minds.

Councilmember Vaughn stated this doesn't say specifically mobile homes, is that the intent? Ms. Watson stated that is on anything being re-inspected, which could be Manufactured homes, buildings, electrical, mechanical, plumbing, gas, etc. Councilmember Vaughn stated that if the inspector finds something additional, the consumer shouldn't be charged if it's something new. Ms. Watson stated the fee is implemented only if it fails twice.

Councilmember Steve Davis asked was this only in the unincorporated areas? Ms. Watson replied, yes. Councilmember Steve Davis asked did they have any information as to how it was addressed in the incorporated areas? Ms. Watson stated she could get that information.

Councilmember Vaughn stated most of them have a fee but it's not charged. In the City of Goose Creek they are not very hard on that. He stated he understands that it's a long way to travel in the unincorporated areas.

Councilmember Pinckney stated his concern is that the first fee is \$20. Ms. Watson stated the proposed first fee would be \$25, the second is \$50, and the third is \$100. Councilmember Pinckney asked did it go back to \$25 after the third? Supervisor Rozier stated he would leave it at \$100; "I'm trying to get their attention."

Councilmember Vaughn stated the biggest problem would come if the International Code were implemented.

Ms. Watson continued: H) Rename Appendix A to "Schedule of Fees"; I) Request that the Administrative fee go from \$20 to \$25 per permit. Plans review information had been rewritten to make it grammatically correct; there is no change in the cost of the fees. J) Added "or registrations" to make it grammatically correct; K & L) had been removed; M) Is authorized to suspend to make it grammatically correct; N) added Residential Home Builders, and/or Specialty Contractors so there would be no mistake as to who could pull permits, and they are also requiring the Manufactured home dealers and installers to purchase Permit Authorization Cards as well. There was no change for O, P, and Q.

Mr. Palmer Gourdine, Chief Building Inspector, addressed R & S. He stated that for the installation of electrical services or someone who may want to put in a well, they have limited it to 60 amps. Occasionally they have people put in a 200-amp service for a well, and when the inspectors go back a month later, there is a mobile home. He stated that gives them no control over the home being set up and inhabited. By limiting it to 60 amps for the well should eliminate that problem.

Councilmember Steve Davis asked why was a fee associated with this? Mr. Gourdine stated this was an electrical service. Councilmember Steve Davis asked was the fee different for other electrical hook-ups? Mr. Gourdine stated no. Ms. Watson stated the fee for all electrical services is \$35.

Mr. Gourdine stated where there is a bolt-in electric meter, which is usually over 200 amps, there will have to be a disconnect for fire protection. If someone had to pull a meter, there would be way to disconnect due to the meter being bolted in. Aluminum conductors within the enclosure are a safety item to ensure a good connection. He stated they had been enforcing these items but it really wasn't in the ordinance and is not spelled out in the code. All wiring in a commercial building or any place of assembly shall be installed in conduit. Exposed Wiring in a residential attached or detached garage shall be protected from physical damage. Wafer or piggyback breakers shall be allowed only in manufactured homes. Mr. Gourdine stated that while they do come in some manufactured housing, it's not a very good method of protection for an overloaded device. He stated HUD regulates mobile homes and allows it. However the County would like to not allow it in homes and businesses.

Ms. Watson continued: T) A fee of \$25 for all flood plain requests that is not associated with a building permit. Mr. Gourdine stated, occasionally someone would request information for a flood zone and it takes the plans review person an hour or more to find information. Item U) returned check policy added to the ordinance; V) Structure being erected in a flood zone or in the Santee Cooper dam break area is required to have their applicable elevation certificates prior to inspections; W) Refund policy, which was never addressed in the ordinance.

Ms. Watson addressed the SCHEDULE OF FEES as follows:

- 1) Building permit fees based on evaluation. Nothing was changed except the inspection fees, which were previously addressed.

Ms. Watson stated there were no changes in anything else except in Section VI; the cost of construction for any type of foundation is \$8.00, which was never addressed in the ordinance.

Councilmember Steve Davis asked Ms. Watson where did she get directions for her changes? Ms. Watson stated she basically got it from the public.

ELECTRICAL CODE PERMIT FEES:

- I Single-phase electrical service will continue to be \$35, but for a three-phase service they are requesting an adjustment factor of 1.2.
- II Safety inspection increase from \$20 to \$25.
- III Upgrading work made clear and inserted in the ordinance.

GAS CODE PERMIT FEES

- I Permit fee increased from \$5 to \$10.

Ms. Watson stated there were no changes in II, III, IV, and they request that V, VI, and VII be deleted.

MECHANICAL CODE PERMIT FEES:

Ms. Watson stated \$10 was always charged but was inserted as a grammatical correction.

- II Proposed use of the cost per ton for the heating and air unit rather than the cost of installation.
- III Minimum inspection fee of \$25.
- V A fee of \$25 for preliminary inspection.

PLUMBING CODE PERMIT FEES:

Ms. Watson stated there was no change except for “E” where they request that the fee go down to \$5.00 for the sewage disposal system.

SWIMMING POOL FEES:

Ms. Watson stated they have always issued permits for in-ground pools per the swimming pools regulations but they are also supposed to be issuing permits for above ground pools. Therefore, they are requesting that the fees be based on the cost of construction for the actual pool. DHEC is responsible for issuing construction permits on facilities which are not built in connection with a single family residence or which is not owned, constructed, operated or maintained by a church, etc.

MANUFACTURED HOUSING PERMIT FEES:

Ms. Watson stated the previous ordinance did not have a manufactured home fee schedule; so, they added the schedule to the ordinance and there are no changes except for III, which is giving the customer an option to have their home inspected prior to bringing it into Berkeley County for a fee of \$25.

Councilmember Vaughn asked for clarification on the fee for manufactured homes prior to bringing them into the County? Ms. Watson stated there are nine counties in South Carolina that require that Manufactured homes be a Wind Zone II or III prior to coming into Berkeley County. Sometimes the inspector would go out to inspect the home. Councilmember Vaughn indicated it doesn't say that. If a guy is coming from North Carolina, would the inspector go to North Carolina for \$25 to inspect his home? Ms. Watson stated that it pertains to homes within the Tri-County area.

SIGN PERMITS

Ms. Watson stated there were no changes on the cost of the sign permits but was added because it was not addressed under the previous ordinance.

SECTION IV/ PENALTY

Ms. Watson stated they have changed the maximum penalty from \$500 to \$200.

Councilmember Crosby asked what are the maximum fees a homeowner can be charged? Ms. Watson stated there is a building, electrical, mechanical, and a plumbing permit. Sometimes there is a gas permit if any gas logs, etc. are being installed. Each permit has a \$25 administrative fee.

Councilmember Vaughn indicated he had never seen a fire fee in a building permit. Under Fire Fees it states, "in addition to the above referenced 'Schedule of Fees', a fire fee will be added to all building permits based on the following schedule."

Councilmember Pinckney asked did they have an average cost for a building permit on a \$100,000 home? Ms. Watson stated the building permit is the most expensive permit and it's done by square footage. She indicated she would get a comparison of fees on a 2,000 square foot house for them.

Councilmember Crosby asked how many fees could be charged on a home being remodeled? Ms. Watson stated the maximum charge for a permit is \$500 for heated square footage. Electrical wiring, plumbing, etc. would be separate; whatever applies. She indicated for example, if an individual pulls the permit and failed to pass inspection for not installing a GFI outlet on the electrical services, the inspector may or may not charge for the initial visit.

Councilmember Vaughn asked was it incorporated in the State's Statute that there was a maximum a person could do on their home that doesn't exceed \$35,000? Ms. Watson stated it is \$5,000; they could only build something up to \$5,000 and thereafter hire a licensed contractor. In that same statute they are required to occupy that house for a period of at least two years.

Councilmember Crosby stated he had been reading about the International Codes and he is worried about the charges the contractor and the homeowners would face. Now, he is also worried about what the County is going to charge.

Ms. Watson stated that 90 percent of the fees addressed tonight is currently being charged except for the flood plain, which would save the customer.

Supervisor Rozier indicated the intent of the Permitting Office is for the permits to pay the cost of the office. When an inspector has to go out three or four times for the same thing and they keep getting it wrong, somebody has to pay. "Do you want the taxpayers to pay that, or do you want the people who are building the houses to pay it who are getting it wrong?"

Councilmember Crosby stated he agrees that the homeowners should try to get it corrected the first time but the additional money that is collected, unless Personnel is added, he didn't see the justification because that person is going to work 8 hours a day regardless. So, you are not paying him any more money than if he went out 1, 3, or 4 times.

Councilmember Vaughn asked did they say they did not enforce the maximum of \$5,000 to be a licensed builder? Ms. Watson stated that was correct.

Councilmember Mims asked about the Mechanical fees? Ms. Watson stated that when a General Contractor or Residential homebuilder comes in they fill out a form informing the Permitting office of the cost of the unit. Within the last three years, the subcontractor has been coming in for the permit. She indicated that when there are contrasting stories with the

contractor and the subcontractor the Permitting office ends up having to back out all of the fees initially inputted, and records would still have to be kept of those.

Councilmember Pinckney stated his first concern is the International Building Code, especially when the consumer would have to pay additional fees to have a home built. He stated he believes in building homes to the standard of being storm proof, but he does have problems with the amount of fees suggested. His other major concern is that people in the unincorporated areas would be affected the most, and things are still not equitable when you look at it from other perspectives. Councilmember Pinckney indicated we don't live in a perfect world and sometimes you just don't get things right the first time and to know that we are going to have that much of an increase in various fees, he does have some problems with that.

Councilmember Vaughn indicated that Goose Creek issues individual permits. However, you can pull one permit that would cover everything, which is called an express permit. You would still have to name the plumber, the electrician, the heating person, etc.

Ms. Watson stated that since she took over the office they have passed every single audit because of the variation in fees, which you can or cannot charge.

Councilmember Vaughn stated his company has to bid the house out and his office can certainly tell you how many tons the unit would be. So, they typically pull the permit for themselves and the other three subcontractors that have to have permits.

Ms. Watson stated that Mr. Larry Emanuelson, a representative from the Manufacturing Housing Institute of South Carolina, and also, the General Manager for Dixie Homes in Berkeley County was present. She stated she asked him to voice his opinions since most of the fees greatly affect the Manufacturing Housing Industry. She stated Mr. Wrenn is going to address the fire fees and when he is through Mr. Emanuelson would address Council.

Mr. Rembert Wrenn stated they were asking that when someone comes in for a permit, instead of waiting a year before the County signs off on it, that the fire fee be paid up front. Any home from 1,000 to 3,000 square feet is \$50; it's the same schedule and fee structure. Supervisor Rozier indicated the schedule shown is for industries because the fee for all residences is \$50.

Councilmember Vaughn stated that if they plan to charge people on lots and lands. Mr. Wrenn stated this is similar to builder's insurance.

Supervisor Rozier stated he understood that every home was charged \$50 for fire fees. Mr. Wrenn indicated that it depended on the size of the homes.

Ms. Janet Jurosko, Berkeley County Auditor, clarified that \$50 is a set fee for homes regardless to the size of the house.

Councilmember Crosby suggested they correct the schedule to say "Commercial."

Mr. Emanuelson stated the permit fees that are paid in Charleston, Dorchester, and Beaufort Counties greatly exceed what is paid in Berkeley County. He suggested that under Section II/E, he would like to see the permit validity extend to a period of 30 days instead of 14, which would be more in line with other counties. Under Section II/G, he thinks that the installer should pay the re-inspection fee. If the inspector has to go back a third time to inspect the same thing, the fee should be \$250 and \$500 for the fourth time. Mr. Emanuelson stated he has heard story after story from customers who had somebody install their Manufactured home and the customer had to pay the re-inspection fees and he didn't think that was right. He stated he had been in this business for 35 years and he would be seriously upset if his houses weren't done correctly the first time.

Supervisor Rozier asked what happens to the homeowner while he is waiting for the re-inspections? Mr. Emanuelson stated they could not move into their home; they have to stay in motels, with friends or whatever; so, they are basically at the mercy of the installer.

Councilmember Vaughn stated if someone is sold a mobile home, the dealer should at least go by after it is installed to check it. As a dealer they should have some responsibility as to what kind of subcontractors are hired.

Mr. Emanuelson stated that for any Manufactured home that is purchased off the lot, the dealer should pull the permit and be held responsible. If it's a secondary where an individual has a licensed contractor move and reset up the home, then that contractor should pull the permit. Unless the individual is willing to take full responsibility for the set-up, he/she shouldn't be allowed to pull the permit. The installers would try to convince the customer that they need to pull the permit in their name and all of a sudden it has to be re-inspected for the third and fourth time and the customer is running back and forth paying the fee.

Mr. Emanuelson stated the Staff has done a good job in putting the ordinance together; the fees are reasonable in comparison.

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to send Bill No. 02-54 to Council for Second Reading.

Upon call for the vote, the motion resulted in a Roll Call as follows:

Councilmember Farley	"Aye"
Councilmember Crosby	"Aye"
Councilmember Charles Davis	"Aye"
Councilmember Vaughn	"Aye"
Councilmember Mims	"Nay"
Councilmember Pinckney	"Nay"
Councilmember Steve Davis	"Nay"

The motion to send Bill No. 02-54 to Council for Second Reading passed by majority voice vote of the Committee with 4 “Aye” Votes and 3 “Nay” votes.

Item C, Review and discussion of Sign Ordinance Numbered 86-12-10: Section 16-10 Off-Premise Signs

Section 16-31 Variances

Ms. Madelyn Robinson stated 86-12-10 was the first ordinance passed in 1986. It was amended in 1993 by Ordinance No. 93-12-33, Section 16-10 (a) – (c).

Chairman Spooner stated the Committee discussed a clarification for the Zoning Ordinance, which pertains to off-premise sign distances.

Ms. Madelyn Robinson addressed Section 16-10, subsection (b), and stated Staff was interpreting this ordinance to read that, “no portion of any off-premise signs shall be located nearer than 500 feet to any portion of the following: 1) Any other off-premise sign on the same side of the street or highway.” Ms. Robinson stated the semicolon separates this from (sub-items 2-5) in this section, which Staff does not interpret as being the same side of the street but more of a radius interpretation of 500 feet away.

Chairman Spooner stated this is to clarify it in the future. They can modify it to say “radius” or “linear” for that particular street.

Ms. Robinson stated Staff prefers to interpret it as radius. Councilmember Vaughn stated the applicant indicated they hadn’t been doing it this way. Ms. Robinson stated the applicant would sign a statement in their permit indicating that the sign does meet all of the requirements in the ordinance. If at any time Staff determines that it is not in accordance with the ordinance, they would be notified and given time to correct the situation.

Councilmember Crosby indicated the ordinance does not specify radius. Chairman Spooner it says, “any other off-premise sign on the same side of the street or highway.”

Ms. Robinson stated that because it says, “to any portion of the following except for Item #1 strictly specifies on the same side of the street.” Staff is reading it that they can only measure distance from one billboard or off-premise sign to the next on the same side of the street. When it comes to churches, cemeteries, public buildings, facilities, or residences, such as single family or multi-family, it doesn’t necessarily have to be on the same side of the street; it could be behind it, across the street, beside it, etc, any where but not closer than 500 feet.

Ms. Robinson stated that Staff is recommending that they do a radius measurement to church, cemetery, public building and residence. Supervisor Rozier asked, if any of those are within 500 feet of the sign it is not allowed? Ms. Robinson stated that is correct.

It was moved by Councilmember Crosby and seconded by Councilmember Davis to send for First Reading Staff's recommendation to measure off-premise signs 500 feet from any other off-premise sign on the same side of the street or highway except for churches, cemeteries, public buildings, facilities or residences where it is a radius measurement of 500-feet. The motion passed by unanimous voice vote of the Committee.

Ms. Robinson addressed Section 16-31 of Ordinance 16-12-10, which deals with variances to the decisions made by Staff. A variance has to come before Berkeley County Council as stated in the ordinance. They do have an article set aside in the Zoning Ordinance with the intent to have the Sign Ordinance incorporated under Article 18. Therefore, variances would go before the Board of Zoning Appeals.

It was moved by Councilmember Vaughn and seconded by Councilmember Davis to accept Staff's recommendation for the Sign Ordinance to be incorporated into the Zoning Ordinance under Article 18. The motion passed by majority voice vote of the Committee with Councilmember Crosby voting "Nay."

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to adjourn. The motion passed unanimous voice vote of the Committee.

The Meeting adjourned at 7:25 p.m.

November 18, 2002
Date Approved

**COMMITTEE ON PLANNING AND DEVELOPMENT
(Standing Committee of Berkeley County Council)**

Chairman: Mrs. Judith K. Spooner, District No. 2
Members: Mr. Milton Farley, District No. 1
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A Meeting of the COMMITTEE ON PLANNING AND DEVELOPMENT, Standing Committee of Berkeley County Council, will be held on Monday October 21, 2002, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at 6:00 p.m.

AGENDA

APPROVAL OF MINUTES

September 9, 2002
September 16, 2002
September 23, 2002

A. Consideration prior to First Reading of an Ordinance to amend article 2, section 2.3.104 of Ordinance No. 01-08-35, the Berkeley County Zoning and Development Standards Ordinance, to amend and clarify the definition of a street.

B. Review prior to Second Reading of Bill No. 02-54, an Ordinance to amend Section ii of Ordinance No. 99-7-41 regarding permits, fees, inspections, and licenses; to amend Section iv of Ordinance No. 99-7-41 regarding the maximum penalty for violations of the building code.

Comments:
Larry Emanuelson
MHISC Representative

C. Review and discussion of Sign Ordinance Numbered 86-12-10:

Section 16-10 Off-Premise Signs
Section 16-31 Variances
Ordinance Numbered 93-12-33:
Section 16-10- (a) through (c) Off Premise Signs (as modified)

October 16, 2002
S/Barbara B. Austin
Clerk of County Council